



LOS ANGELES COUNTY COMMISSION ON HIV

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While not required of meeting participants, signing-in constitutes public notice of attendance. Presence at meetings is recorded solely based on sign-in sheets, and not signing-in constitutes absence for Commission members. Only members of the Commission on HIV are accorded voting privileges, thus Commissioners who have not signed in cannot vote. Sign-in sheets are available upon request.

JOINT PUBLIC POLICY (JPP) COMMITTEE MEETING MINUTES September 23, 2010

Approved
11/17/2010

MEMBERS PRESENT	MEMBERS ABSENT	PUBLIC	HIV EPI AND OAPP STAFF	COMM STAFF/ CONSULTANTS
Whitney Engeran-Cordova, <i>Co-Chair</i>	Carrie Broadus	Aaron Fox	Elizabeth Escobedo	Craig Vincent-Jones
Lee Kochems, <i>Co-Chair</i>	Jeffrey Goodman	Phil Hendricks		Nicole Werner
Carla Bailey	Juan Rivera	Terry Smith		
Kyle Baker		Jason Wise		
Stephen Simon		Thelma James		
Kathy Watt				

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- 1) **Agenda:** Joint Public Policy (JPP) Committee Agenda, 9/23/2010
- 2) **Minutes:** Joint Public Policy (JPP) Committee Meeting Minutes, 8/18/2010
- 3) **Memo:** 2009-2010 Policy and Legislative Agenda, 8/20/2010
- 4) **Presentation:** PPC HIV Testing Recommendations, 9/22/10
- 5) **Table:** Human Rights Remedies, 2/8/10
- 6) **Letter:** Residential Care Facilities for the Chronically Ill, 6/7/10
- 7) **Letter:** Project New Hope; RCFCI and ARF Issues, 1/24/06
- 8) **Policy/Procedure:** Annual Legislative Agenda, 7/1/10
- 9) **Policy/Procedure:** Commission and Administrative Agency Public Policy Roles and Responsibilities, 11/28/06
- 10) **Policy/Procedure:** Community/Public Meetings, 9/6/04
- 11) **List:** California Health and Safety Code, *no date*

1. **CALL TO ORDER:** Mr. Engeran-Cordova called the meeting to order at 12:20 pm.
2. **APPROVAL OF AGENDA**
MOTION #1: Approve the Agenda Order (***Passed by Consensus***).
3. **APPROVAL OF MEETING MINUTES**
MOTION #2: Approve the 8/18/2010 Joint Public Policy (JPP) Committee Meeting minutes, as presented (***Passed by Consensus***).
4. **PUBLIC COMMENT, NON-AGENDIZED:** There were no comments.
5. **COMMISSION COMMENT, NON-AGENDIZED:**
 - A. **San Gabriel Valley HIV/AIDS Action Summit:** Committee members raised concerns about statements made by the Summit's media panel, including statements (paraphrased) such as "can't find any gay HIV+ Latinos to interview" and "members of the African-American community should not disclose their sexuality and HIV status because they are not accepted by other members of the community," and the impact those statements had on the audience, including high school students

- ➡ Mr. Vincent-Jones will follow-up with Assembly Member Portantino's office to get a copy of the transcript/video tape, and explain the Committee's concerns.
- ➡ Mr. Vincent-Jones will contact Larry Wilson, Editor, *Pasadena Star-News*, who moderated the panel, to discuss ways of addressing the misstatements, including options of reconvening the panel and/or a series of articles on the subject.
- ➡ Mr. Vincent-Jones will contact the media outlets whose representatives participated on the panel to discuss ways of correcting the misinformation, including options of editorial pieces, articles, and other possibilities.

B. Insurance Commissioner: Mr. Engeran-Cordova reported plan to contact the new Insurance Commissioner for a meeting as soon as possible after the election. Topics to address with incoming Insurance Commissioner will include:

- legislation/regulation to require adoption of local HIV service standards in new Health Care Reform vehicles,
 - establishing adequate payment/reimbursements for testing/prevention services (*see 9. Public Policy Initiatives*), and
 - ensuring ADAP quality of care when a majority of HIV pharmaceutical assistance services are transferred to other authorities under Health Care Reform (*see 13. Benefits Policy*).
- ➡ Mr. Vincent-Jones will begin making arrangements for a meeting with the incoming Insurance Commissioner's office.

6. PUBLIC/COMMISSION COMMENT FOLLOW-UP: There were no comments.

7. CO-CHAIRS' REPORT

A. Annual Meeting: There was a discussion reviewing the outline of the Annual Meeting, at which the JPP Committee is expected to present the JPP Committee Handbook and a draft of the plan to prepare for Health Care Reform.

8. 2011 LEGISLATIVE AGENDA

A. 2011 Federal and State Policy Agenda: The Committee reviewed progress meeting last year's policy/legislative objectives, and made modifications to update it for the 2010-2011 Policy/Legislative Agenda.

- ➡ The new policy/legislative agenda will be forwarded to the Commission for approval at Nov 2010 meeting

1) Federal Level Priorities:

- National HIV/AIDS Strategy (NHAS) developed, but continued work needed for dissemination, understanding and education, as well as addressing follow-up activities necessary to carry it out as it evolves;
- Ryan White Reauthorization is not a priority in the forthcoming year although work planning for the next version in 2013 will begin in Jan 2011;
- ETHA, Medicare Part D donut hole and TrOOP addressed in health care reform; no longer a priority—although monitoring their implementation will continue;
- Increased federal funding/appropriations remains a priority;
- No evidence that exploring possibilities for greater federal engagement is productive, so removed from the list;
- Continuing to identify and address issues in Health Care Reform remains a priority, including opposition to possible future efforts to repeal Health Care Reform;
- Federal accountability and a heightened CDC national response remains a priority, but it will be contextualized as part of local planning/response to the NHAS; and
- Add HOPWA reauthorization, restructuring and funding, and funding for other federal housing programs as a priority.

2) State Level Priorities:

- ADAP and Medi-Cal Managed Care Waiver Program continue to remain priorities;
- Restoring State funding for services that were cut remains a priority, and restoring funding for State Office of AIDS cuts to prevention should be added to the list of particular emphasis;
- Surveillance largely addressed in current-year legislation, although remaining work to ensure EHARS compatibility may be needed next year;
- HIV/STD Control in the Adult Film Industry remains a priority, but the nature of the legislation may change (*see 9. Public Policy Initiatives*);
- Title 22 housing regulations remain a priority (*see 9. Public Policy Initiatives section*);

- Continuing efforts to track and evaluate impact of State budget cuts on consumer health/services will be advanced further as a priority when the California Center for HIV/AIDS Health Policy Research releases a report on the subject (*see 19. Community Collaborations*);
- Restructuring State planning is no longer a priority focus because the new California Planning Group and Advisory Network have been established;
- Benefits policies remain a priority, although some solutions are emerging in Health Care Reform; “Medi-Cal share of cost formulae” should be “SSI share of cost formulae” (*see 13. Benefits Policy*);
- Maintain substance abuse/crystal meth efforts as a priority, and expand priority to include HIV education, training, testing and prevention expertise for drug and alcohol providers;
- Keep targeted special population efforts as a priority, but replace “end discrimination” with “address disparities and discrimination”;
- Move “syringe exchange” from an item of “interest” to a “syringe service programming” priority; and
- Add testing and prevention services as a priority (*see 9. Public Policy Initiatives section*).

3) Combined Level Interests

- Housing funding should reflect “increased local funding and other initiatives to expand access and availability of housing/housing options”;
- Syringe exchange will become a State-level priority;
- HIV counseling and testing systems will become a State-level priority;
- Substance abuse will become an expanded State-level priority;
- Add services for undocumented/legal residents as an issue/concern, in particular as part of activities related to Health Care Reform and RW Reauthorization (*see 9. Public Policy Initiatives*);
- RW 2013 Reauthorization will be added to the list; and
- All other issues will remain on the list.

9. PUBLIC POLICY INITIATIVES

A. Routine HIV Testing: Phil Hendricks, APLA, presented the PPC HIV Testing Recommendations, which led to a discussion of an “omnibus prevention bill” that would address multiple HIV testing/prevention/surveillance issues:

- Written informed consent: liability shield, promoting/arranging education of hospital administrators by administrators from other jurisdictions (e.g., Houston);
 - Payments/reimbursements for testing: will Health Care Reform reimburse, are the payments adequate? This issue is critical to any Testing Linkage Care (TLC+);
 - Mandatory testing in clinical environments: distinction between opt-out and mandatory offer; and
 - Surveillance: include language to address EHARS issues that Doug Frye has raised.
- ➡ Agreement to pursue legislative strategy/sponsorship, if feasible and appropriate.
- ➡ Convene a work group to develop legislative language (Mr. Baker, Mr. Engeran-Cordova, Mr. Fox, Mr. Simon, and Mr. Smith) the end of October; Mr. Engeran-Cordova will develop draft language for the meeting.
- ➡ The Work Group must assess payment/reimbursement strategies in Health Care Reform that will impact prevention/testing.

B. Title 22 Housing Regulations: Mr. Vincent-Jones re-capped progress on the issue since the Commission first began exploring the issue in 2006, noting that work had not progressed since then due to other priorities—

- The Commission hosted a meeting requested by Brigitte Tweddell, Executive Director, Project New Hope, in Jun 2006 to identify issues/concerns about Title 22 (Community Care Licensing Division, CA Department of Social Services) regulations that impede residential services to people with HIV/AIDS.
- Several modifications to Title 22 were identified that are needed to address the unique needs of people with HIV/AIDS.
- Follow-up plans included a meeting of all of the State’s HIV-specific RCFCI providers (most are in LA County) to conclude identification of issues/concerns, and to determine if regulatory and/or legislative resolution is required; the meeting has not yet been convened;
- Improving HIV housing/residential regulations was added to the County’s legislative agenda in 2008;
- OAPP re-classified LA County’s RCFCI services that Ryan White funding pays for in 2010 and is re-bidding residential services; Carlos Vega-Matos agreed to identify issues of concern in the Title 22 regulations.

- ➡ Proceed with plans to convene the meeting with the HIV RCFCI providers; Mr. Vincent-Jones will contact Ms. Tweddel for contact list of providers; Mr. Vega-Matos can bring OAPP's list of issues/concerns to that meeting.
- ➡ Determine needed modifications, and if legislative and/or regulatory resolution is necessary.
- ➡ Agreement to pursue legislative/regulatory change, as appropriate.

C. HIV/STD Control in the Adult Film Industry (AFI): Significant progress has been made on multiple fronts:

- OSHA has embraced the issue and already considers use of condoms mandatory and established precedent; multiple complaints have been filed with OSHA.
- LA Film Board has the authority, through permitting of all films (including adult films), to monitor adult film compliance consistent with OSHA requirements; DPH monitoring of the AFI could be paid for through an additional fee on all film permits.
- ➡ Agreement to pursue legislative strategy/continued sponsorship that de-emphasizes the issue of condom use (because OSHA has established that principle) and that will focus on greater enforcement capacity for OSHA.
- ➡ Mr. Vincent-Jones will coordinate a conference call with Mr. Baker, Mr. Engeran-Cordova, and STD Programs to discuss legislative language and LA Film Board permitting needs.
- ➡ Commission will forward suggested legislation to County for sponsorship and to seek authors.
- ➡ Staff to proceed with plans for an AFI hearing in Nov 2010.
- ➡ Continue discussion about asking the County to increase LA Film Board permitting fees.

D. Services for the Undocumented/Legal Residents:

- Planning should begin to prepare for how services to the undocumented and legal residents will change under Health Care Reform and in the next Ryan White Reauthorization. Mr. Vincent-Jones noted the potential changes to health services, the RW system and County-funded health care for the undocumented/legal residents as Health Care Reform is ushered in.
- He also presented a matrix of the naturalization options available to HIV undocumented residents and explained the purpose of the intended Program/Planning brief:
 - ➡ There are specific naturalization pathways available to HIV undocumented residents due to their status that would not be otherwise available to them;
 - ➡ Most undocumented patients/clients are not aware of the availability of these naturalization options;
 - ➡ Naturalizing undocumented patients/clients can eventually reduce the number of them relying on RW and/or County-funded services;
 - ➡ The educational nature of the Program/Planning Brief is consistent with naturalization/immigration services provided to patients/clients in the Legal Services standards of care; and
 - ➡ Residency status is irrelevant to community viral load and transmission rates, and whatever measures can be taken to reduce transmission rates and to ensure the best health care access benefits the community health overall.
- ➡ Mr. Vincent-Jones continues to draft the Program/Planning Brief, and will present it to the Subcommittee on Services for the Undocumented/Legal Residents.
- ➡ The first Subcommittee meeting will be scheduled for the third week in Oct 2010. Subcommittee members are Sergio Avina, Ms. Bailey, Mr. Baker, Al Ballesteros, Jim Chud, Mr. Engeran-Cordova, Mr. Fox and Ms. Watt.
- ➡ The Subcommittee will review a draft of the brief and develop a plan to address this special population's needs as Health Care Reform unfolds.

11. HEALTH CARE REFORM

A. Health Care Reform/Medicaid-Medical Subcommittee: The Subcommittee met once on Sep 1, 2010, but only addressed Medicaid/Medicare issues. The second meeting will address the development of a plan to prepare for Health Care Reform implementation.

- ➡ The Subcommittee will meet again on Oct 8, 2010. Subcommittee members are Mr. Baker, Mr. Engeran-Cordova, Mr. Fox, Mr. Goodman, Mr. Chud, Mr. Simon and Ms. Watt.
- ➡ In preparations for the meeting, Mr. Vincent-Jones will forward a copy of Julie Cross' past Commission presentations on Health Care Reform to the Subcommittee, along with a copy of the Greenwald article from Mr. Baker.
- ➡ The Subcommittee will develop a draft plan to prepare for the implementation of Health Care Reform initiatives for presentation at the Annual Meeting on Oct 14, 2010.

B. Medi-Cal Managed Care: There were no additional comments, except as related to 13. *Benefits Policy*.

C. **Standards of Care:** There were no additional comments, except as related to *13. Benefits Policy*.

D. **Health Care Reform Brief(s):**

- ➡ Finalize draft of first Health Care Reform Policy Brief, and submit a PO request to procure services from Mosaica to provide Commission training/education on Health Care Reform.

12. NATIONAL HIV/AIDS STRATEGY (NHAS)

A. **Assessment:** There were no additional comments at this time.

B. **Implementation:** The NHAS Subcommittee met once on Sep 1, 2010 to begin planning a local response/implementation plan for the NHAS.

- ➡ Mr. Vincent-Jones will draft/disseminate a meeting summary the week of Sep 27, 2010.
- ➡ A second Subcommittee meeting will be scheduled for third week of October. Subcommittee members are Mr. Baker, Mr. Engeran-Cordova, Mr. Fox, Mr. Goodman, Mr. Smith and Ms. Watt.
- ➡ Federal agencies are required to submit their NHAS implementation plans to the Administration by Dec 9, 2010. The Subcommittee's plan is intended, in part, to inform, guide and advise the development of those plans.

13. BENEFITS POLICY

A. **Medi-Medi Benefits from Medi-Cal Co-Pays**

- Brad Land expressed concern about the impact of mandatory Medi-Cal managed care enrollment on Medi-Medi benefits, and Mr. Goodman agreed to follow-up to ascertain what the issues are and/or if any action is needed (*reference Aug 18, 2010 JPP Committee meeting minutes*). No additional information reported to date.
- The Health Care Reform/Medicaid-Medicare Subcommittee met on Sep 1, 2010 and began addressing Medicaid/Medicare issues. A follow-up strategy was developed in the meeting.
- ➡ Mr. Vincent-Jones to follow-up with Mssrs. Goodman and Land regarding Medi-Medi benefits.
- ➡ Mr. Vincent-Jones to draft/disseminate meeting summary the week of Sep 27, 2010.

B. **SSI Disability Payment Formula:** The disparities in the State's allocation of additional SSI Disability payments above the Federal payment level has been consistently raised by Ms. Cross for a number of years. Health Care Reform will not reduce the disparities, but addressing it legislatively may be an unpopular proposal in the State's current budget climate. The JPP Committee will continue to explore the issue and possible solutions and repercussions further.

- ➡ Agreement to pursue legislative strategy/sponsorship, if feasible and appropriate, regardless of possible resistance/opposition.

C. **Strategy for ADAP Reform Proposals**

- Several ADAP Reform proposals were developed at last year's ADAP Summit. Mr. Vincent-Jones asked if the Committee felt there should be follow-up with any/all of the proposals. Some of the reform proposals have already been implemented, such as increased pharmaceutical company investment.
- In light of expected changes to ADAP that will result from Health Care Reform implementation, the Committee felt that significant ADAP reform is not likely.
- However, some Committee members expressed concern that ADAP may not be sustainable even in the interim until Health Care Reform implementation in 2014. Committee members raised questions about whether ADAP will continue to generate exponentially expanding deficits until 2014, similar to the threat posed in 2011.
- Committee members also raised questions about how to ensure ADAP quality of care as a significant portion of its services may transition to Medi-Cal/Medicare/other private plans under Health Care Reform.
- ➡ The JPP Committee will continue to explore/study/review and monitor the trends of ADAP sustainability and/or increasing program deficits. The focus should be continuing to ensure adequate/full funding of ADAP in this and future State Budget years.
- ➡ The California Center for HIV/AIDS Health Policy Research is releasing a paper on ADAP shortly (*see 19. Community Collaborations*), which will hopefully help guide that study and review.
- ➡ A meeting with the new Insurance Commissioner will be scheduled to address continuity of ADAP quality of care in new Health Care Reform structure(s) (*see 5. Commission Comment, Non-Agendized*).

14. STATE POLICY

A. State Office of AIDS

- The Committee continued to assess and address issues of concern related to the State's Office of AIDS (OA) function and leadership, especially in regard to its recent allocation decisions.
- The Committee agreed to continue its strategy of letter-writing questioning the basis/judgment used for allocation formulae (e.g., not following the epidemic, which would result in areas of the State with the greatest epidemic getting the greatest resources), primarily to establish documentation/precedence so the formulae do not persist if there is a new OA Director. The Committee will continue monitoring the application of allocation formulae under a new administration, and, possibly, new Director.
- ➡ Mr. Vincent-Jones will draft JPP and Consumer Caucus letters regarding the allocation formulae.
- ➡ The JPP Committee also agreed to assess OA's continued capacity in its current form to manage the State's HIV epidemic, which will be agendaized for a future JPP Committee meeting.
- ➡ Agreement to pursue legislative strategy if allocation formulae are not modified to better reflect needs of the State's HIV epidemic following reasonable transition time for the administration and OA leadership following the epidemic.

B. AB 2541 (Portantino): Electronic Surveillance

- AB 2541 was passed by both Houses of the State Legislature and is awaiting gubernatorial action.
- Mr. Frye still has concerns that provisions to facilitate EHARS implementation were not included in the final bill. Mr. Vincent-Jones discussed the EHARS provisions with Nettie DeAugustine, and she (and CCLAD) felt they were not directly related to the content of the current bill, could not be addressed at this time without threatening the success of the bill, and would have to be addressed next year if still relevant.
- ➡ Mr. Vincent-Jones to follow-up with Mr. Frye for a list of EHARS surveillance issues that he feels should be addressed.
- ➡ If appropriate and necessary, JPP will consider including provisions in the omnibus testing/prevention bill (*see 9. Public Policy Initiatives*) or with a separate legislative/regulatory strategy.

C. 02.2102: HIV/AIDS-related State statute: Mr. Vincent-Jones presented a list that he compiled of HIV/AIDS-related statutes in California's Health and Safety Code. The list is intended to be included in the Commission's Policy and Procedure Manual as Pol #2.2102 and will be formatted appropriately. The list will need to be reviewed/modified annually in accordance with newly chaptered HIV/AIDS-related statute.

- ➡ Mr. Vincent-Jones will review other State Codes to capture any additional HIV/AIDS-related statutes in an effort to finalize the list by the JPP Committee's Oct meeting.

15. LOCAL POLICY

A. Corrections Work Group

- ➡ The Corrections Work Group meeting will be convened at the end of Oct. Work Group members are: Mr. Goodman, Mr. Kochems, Mr. Vega-Matos (or other designated OAPP representative), Ms. Watt, Jason Wise, and invited representatives from the Consumer Caucus and Center for Health Justice (*reference Aug 18, 2010 JPP Committee meeting minutes for agenda*). Mr. Vincent-Jones to invite representatives from the Consumer Caucus and Center for Health Justice

16. BUDGET POLICY

A. Budget Strategy Subcommittee

- ➡ A Budget Strategy Subcommittee meeting will be scheduled for the third week of Oct 2010. Subcommittee members are Mr. Baker, Ms. Cross, Mr. Engeran-Cordova, Mr. Fox, Mr. Goodman, Mr. Kochems and Mr. Simon (*reference July 21, 2010 JPP Committee meeting minutes*).

17. POLICIES AND PROCEDURES

- A. **04.1202: Commission/OAPP Policy Relationship:** *See "D" below.*
- B. **09.3201: Policy Agenda Development:** *See "D" below.*
- C. **09.1008: Oversight of Policy/Plan Brief:** *See "E" below.*
- D. **09.3202: Public Policy Follow-up Strategies:** Mr. Vincent-Jones does not expect to begin drafting Pols #09.1008 (Oversight of Policy/Planning Briefs) and #09.3202 (Public Policy Follow-Up Strategies) until Oct 18, 2010.

- ➡ Committee input should be provided by Oct 18, 2010. Mr. Vincent-Jones will incorporate any input and try to have drafts ready for the JPP Committee's Oct meeting, but could not make a firm commitment due to multiple work priorities from multiple committees.

E. **08.2101: Community/Public Meetings:** Mr. Vincent-Jones provided rough drafts of Pols #04.1202 (Commission/OAPP Policy Relationship), #09.3201 (Policy Agenda Development), and #08.2102 (Community/Public Meetings), and asked that the Committee provide input by Oct 18, 2010.

- ➡ Committee input on the rough drafts should be provided by Oct 18, 2010. Mr. Vincent-Jones will incorporate any input and prepare final drafts for the JPP Committee's Oct meeting.
- ➡ Committee can approve the final drafts and forward to the Commission for public comment to begin in Nov 2010, or can wait to approve final drafts until the following JPP Committee meeting.

18. COMMUNITY OPERATIONS:

A. **Committee Fact Sheet:** See "B" below.

B. **Committee Handbook**

- ➡ Mr. Vincent-Jones will draft the Committee Fact Sheet and Committee Handbook in accordance with standardized templates the week of Sep 27, and forward to the Co-Chairs for review.
- ➡ Draft documents will be presented at the Annual Meeting, Oct 14, 2010, and returned to the Committee at its Oct meeting to review and finalize.

19. COMMUNITY COLLABORATIONS:

A. **California Center for HIV/AIDS Policy Research:** The California Center for HIV/AIDS Health Policy Research is scheduled to release two papers on ADAP and surveillance shortly. In addition, a paper on the impact of state budget cuts has been drafted.

- ➡ Mr. Vincent-Jones will follow-up with Wayne Seward to determine status of the paper on the impact of the State's budget cuts.
- ➡ Mr. Vincent-Jones will send Arleen Leibowitz' paper on surveillance to the Committee

B. **Miscellaneous**

- ➡ C Vincent-Jones to follow-up with Herb Schultz and APLA to schedule/host a local HRSA forum in Los Angeles with Mr. Schultz.
- ➡ Add Los Angeles City AIDS Coordinator's Office as an ongoing item under "Community Collaborations."

20. WORK PLAN REVIEW:

A. **Timeline**

- Mr. Vincent-Jones informed the Committee that he had learned that at least three national groups were already beginning to plan for RW 2013 Reauthorization, and asked the Committee if they wanted to initiate RW Reauthorization planning earlier than its projected start date of Jan 2011 in the JPP Committee Work Plan.
- The Committee felt that most national reauthorization discussions starting now would focus on the relationship between RW reauthorization and Health Care Reform, and, consequently, did not necessitate an earlier review/planning by the JPP Committee.
- The Committee agreed that starting RW Reauthorization planning in Jan 2011 would still yield a Commission response early enough to inform/drive national discussions about RW Reauthorization, as the original RW Reauthorization Principles did,

B. **Prioritization:** There were no additional comments.

C. **Assignments:** There were no additional comments.

21. **ANNOUNCEMENTS:** There were no announcements.

22. **ADJOURNMENT:** The meeting adjourned at 4:40 pm.